

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES W. RILEY,	)
	)
Plaintiff,	)
	)
v.	) Civ. Action No. 06-01-GMS
	)
STANLEY TAYLOR, et al.,	)
	)
Defendants.	)

**ORDER**

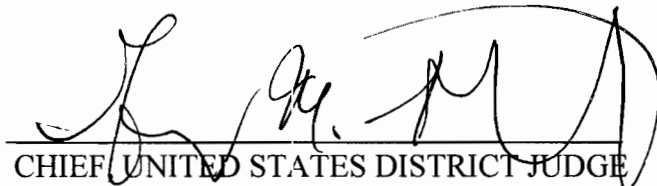
The plaintiff, James W. Riley ("Riley"), an inmate housed at the Delaware Correctional Center ("DCC"), Smyrna, Delaware, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to serious medical needs. He proceeds *pro se* and has been granted leave to proceed *in forma pauperis*. He requests issuance of a subpoena upon investigative reporter Lee Williams ("Williams") of *The News Journal*, a Delaware newspaper.

Riley was ordered to submit a declaration justifying his subpoena request and explain how the documents he seeks are relevant to his claims, as well as a demonstration of his ability to pay for any costs associated with issuance of the subpoena, such as photocopy fees, witness fees, or mileage. Riley complied, in part, with the Order. He indicates that a subpoena is necessary because former Correctional Medical Services ("CMS") employees, interviewed by Williams, made sworn statements regarding CMS' policy and practice of intentionally delaying treatment to inmates with serious medical needs, similar to the plaintiff's claims. (D.I. 91, 97.)

Riley did not respond to that portion of the order that required him to demonstrate his ability to pay for any costs associated with issuance of the subpoena, such as photocopy fees, witness fees, or mileage. An inmate proceeding *in forma pauperis* in a civil action may not issue

subpoenas without paying the required fees. *See Pedraza v. Jones*, 71 F.3d 194, 196 n.4 (5th Cir. 1995); *Fernandez v. Kash N' Karry Food Stores, Inc.*, 136 F.R.D. 495, 496 (M.D. Fla. 1991) (witness and mileage fees required to be paid by indigent plaintiff).

ACCORDINGLY, the request for issuance of subpoena is denied.

  
CHIEF UNITED STATES DISTRICT JUDGE

May 16, 2008  
Wilmington, Delaware

